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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 LINWOOD SUTTON,

11 Plaintiff,

12 v.

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14 CAROLYN W. COLVIN, Acting
15 Commissioner of Social Security,

16 Defendant.

Case No. 14-cv-2008-BAS-JMA

ORDER:

**(1) ADOPTING REPORT AND
RECOMMENDATION IN ITS
ENTIRETY;**

**(2) DENYING PLAINTIFF'S
MOTION FOR SUMMARY
JUDGMENT; AND**

**(3) GRANTING DEFENDANT'S
CROSS-MOTION FOR
SUMMARY JUDGMENT**

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20 On August 26, 2014, Plaintiff Linwood Sutton filed a complaint under Section
21 405(g) of the Social Security Act, requesting judicial review of Acting Social
22 Security Commissioner Carolyn W. Colvin's ("Defendant") final decision denying
23 his application for disability benefits. (ECF No. 1.) Thereafter, the Court referred this
24 matter to United States Magistrate Judge Jan M. Adler. On September 8, 2015, Judge
25 Adler issued a Report and Recommendation ("Report" or "R&R") recommending
26 that this Court: (1) deny Plaintiff's motion for summary judgment, and (2) grant
27 Defendant's cross-motion for summary judgment. (ECF No. 19.) The time for filing
28 objections to the R&R expired on September 23, 2015. (R&R 13:21–23.) Both parties

are represented by counsel, but to date, neither party has filed any objections.

I. ANALYSIS

The Court reviews *de novo* those portions of an R&R to which objections are made. 28 U.S.C. § 636(b)(1). The Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* “The statute makes it clear,” however, “that the district judge must review the magistrate judge’s findings and recommendations *de novo if objection is made*, but not otherwise.” *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis in original); *see also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (concluding that where no objections were filed, the district court had no obligation to review the magistrate judge’s report). “Neither the Constitution nor the statute requires a district judge to review, *de novo*, findings and recommendations that the parties themselves accept as correct.” *Reyna-Tapia*, 328 F.3d at 1121. This legal rule is well-established in the Ninth Circuit and this district. *See Wang v. Masaitis*, 416 F.3d 992, 1000 n.13 (9th Cir. 2005) (“Of course, *de novo* review of a[n] R & R is only required when an objection is made to the R & R.”); *Nelson v. Giurbino*, 395 F. Supp. 2d 946, 949 (S.D. Cal. 2005) (Lorenz, J.) (adopting report in its entirety without review because neither party filed objections to the report despite the opportunity to do so); *see also Nichols v. Logan*, 355 F. Supp. 2d 1155, 1157 (S.D. Cal. 2004) (Benitez, J.).

In this case, the deadline for filing objections was September 23, 2015. However, no objections have been filed, and neither party has requested additional time to do so. Consequently, the Court may adopt the R&R on that basis alone. *See Reyna-Tapia*, 328 F.3d at 1121. Nonetheless, having conducted a *de novo* review of the parties’ cross-motions for summary judgment and the magistrate judge’s R&R, the Court concludes that Judge Adler’s reasoning is sound. The R&R is thorough, well-reasoned, and correctly concludes that the administrative law judge’s denial of Plaintiff’s benefits claim was supported by substantial evidence and free of legal


1 error. Therefore, the Court hereby approves and **ADOPTS IN ITS ENTIRETY** the
2 R&R. *See* 28 U.S.C. § 636(b)(1).

3 **II. CONCLUSION & ORDER**

4 Having reviewed the R&R and there being no objections, the Court **ADOPTS**
5 **IN ITS ENTIRETY** the R&R (ECF No. 19), **DENIES** Plaintiff's motion for
6 summary judgment (ECF No. 16), and **GRANTS** Defendant's cross-motion for
7 summary judgment (ECF No. 17).

8 **IT IS SO ORDERED.**

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10 **DATED: December 15, 2015**


11 **Hon. Cynthia Bashant**
12 **United States District Judge**
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